

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16265 of Horning Brothers and the Darrell Green Youth Life Foundation, pursuant to 11 DCMR 3108.1 and 3107.2 for special exceptions under Subsections 217.1 and 1201.3 to establish office use for a nonprofit organization in an R-5-B District and a variance from the minimum gross floor area requirement for a nonprofit organization [Paragraph 217.1(b)], or in the alternative, a variance from the use provisions of Subsection 350.4 to allow office use for a nonprofit organization in the basement of a structure in an R-5-B District at premises 1713 Benning Road, N.E. (Square 4511, Lot 68).

**Hearing Dates:**                    **October 15 and November 19, 1997**  
**Decision Date:**                **November 19, 1997 (Bench Decision)**

**SUMMARY ORDER**

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6A and to owners of property within 200 feet of the site. The notice advertised relief for both the variance and the special exceptions.

The Board determined that the appropriate relief in this case is a use variance under Subsection 350.4. No evidence was taken on the special exceptions under Subsections 217.1 and 1201.3.

The site of the application is located within the jurisdiction of ANC 6A. ANC 6A, which is automatically a party to this application, filed a written statement of issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicants to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 350.4. No person or entity appeared at the public hearing in opposition to this

application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

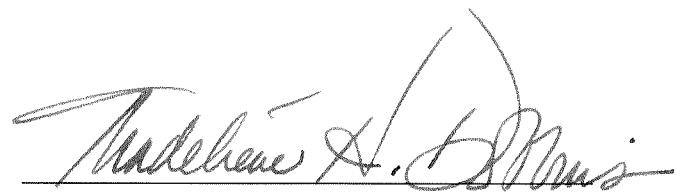
Based upon the record before the Board, the Board concludes that the applicants have met the burden of proof, pursuant to 11 DCMR 3107, that there exists an exceptional or extraordinary situation or condition related to the property which creates an undue hardship for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Board concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board therefore **ORDERS** that the application be **GRANTED**.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE: 4-0** (Sheila Cross Reid, Betty King, Susan Morgan Hinton and Maybelle Taylor Bennett to grant; Laura M. Richards not voting not having heard the case).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

**ATTESTED BY:**



**MADELIENE H. DOBBINS**  
**Director**

**FINAL DATE OF ORDER:** DEC 10 1997

PURSUANT TO D.C. CODE SEC.1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 310.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord16265/BAB

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**BZA APPLICATION NO. 16265**

As Director of the Board of Zoning Adjustment, I hereby certify and attest that on DEC 10 1997 a copy of the order entered on that date in this matter was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Donnell M. Jones  
Executive Director  
Darrell Green Youth Life Foundation  
1713 Benning Road, N.E.  
Washington, D.C. 20002

Fred L. Green  
F. L. Green Associates, L.L.C.  
1411 K Street, N.W., Suite 503  
Washington, D.C. 20005

Daniel M. Pernell, III, Chairperson  
Advisory Neighborhood Commission 6A  
MedLink Hospital  
700 Constitution Avenue, N.E.  
Suite 1-515  
Washington, D.C. 20002

A handwritten signature in dark ink, appearing to read "Madeliene H. Dobbins", is written over a horizontal line.

**MADELIENE H. DOBBINS**  
Director

**DATE:** DEC 10 1997